

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. C 06-04942 SI

Plaintiff,

**FINAL PRETRIAL SCHEDULING
ORDER**

v.

KATHERINE KRUSS, LARRY O'CONNOR
AND JOHN D. BAILEY,

Defendants.

On October 23, 2007, the Court held a final pretrial conference in the above captioned matter, which is set for trial beginning November 5, 2007. All parties were represented by counsel. The following matters were resolved:

1. **Waiver of jury trial:** Jury trial was originally demanded but the parties have since stipulated that the matter will be tried to the court.
2. **Narrative witness statements:** The parties may, at their option, present the direct testimony of the witnesses they plan to call by written narrative statement, executed under oath. The live testimony would consist only of cross examination and re-direct.
3. **Trial exhibits:** Both parties have submitted lists of proposed trial exhibits. The parties are ORDERED to meet and confer to resolve, if possible, any objections to these exhibits prior to trial. Rulings on remaining objections will be made during the course of trial. **No later than Monday, November 5, 2007,** each party shall submit that party's trial exhibits, in binders with numbered tabs separating and identifying each exhibit. The court shall be provided with three sets (for the court, the file and the witness) and each party shall provide one set for the other parties.

1 4. **Findings of fact and conclusions of law:** Plaintiff and defendant O'Connor have
2 each provided separate proposed Findings of Fact and Conclusions of Law; defendant Kruss has not
3 provided any proposed findings. **The parties shall, no later than November 5, 2007, present the**
4 **court with their joint proposed Findings of Fact and Conclusions of Law, both in hard copy**
5 **and on a floppy disk in WordPerfect 10 format.** The parties shall meet and confer to present as
6 many agreed-upon findings of fact as possible. The agreed-upon findings should be clearly
7 designated "joint" findings and, upon such agreement, no further evidence on these points will be
8 required absent further direction from the Court. In addition, defendant Kruss shall present her
9 proposed findings of fact and conclusions of law to the other parties **no later than Wednesday,**
10 **October 31, 2007.**

11 5. **Timing of trial:** The parties estimated that the trial should take approximately two
12 and one half days. Based on this estimate, the trial will take no more than 12 hours, and each side
13 shall have up to six hours total for presentation of evidence, which includes direct and cross-
14 examination of live witnesses and presentation of all exhibits. The two defendants constitute one
15 side.

16 6. **Trial schedule:** The trial day runs from 8:30 a.m. until approximately 3:00 p.m.,
17 with two short breaks and an approximately 45 minute lunch break.

18 7. **Further conference with Magistrate Judge Chen:** The parties shall hold at least
19 one further conference with Magistrate Judge Chen, prior to the trial date, to explore possible
20 resolution of this case.

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22 **IT IS SO ORDERED.**

23 Dated: October 23, 2007

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26 SUSAN ILLSTON
27 United States District Judge
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